



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9482**
Takayuki WATANABE et al. : Docket No. 2000-0044A
Serial No. 09/492,137 : Group Art Unit 1761
Filed January 27, 2000 : Examiner Robert A. Madsen

**EDIBLE POWDER MATERIAL
HAVING EXCELLENT SHELF STABILITY : Mail Stop AF**

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated September 8, 2004 of the Primary Examiner finally rejecting claims 1-4, 6, 8, 10, 12 and 13.

- (X) A timely response to the final rejection has been filed.
- (X) The extension fee of \$570.00 for a third month extension of time is submitted with the attached Petition for Extension of Time.
- (X) The Appeal Fee of \$500.00 (other than Small Entity)
 \$225.00 (Small Entity)
- (X) is enclosed
O is to be charged to Deposit Account No. 23-0975. The original and two copies of this sheet are enclosed.

- () Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which
 - () is enclosed.
 - () has been previously submitted.
- () The Appeal Fee is not required since it was paid in a prior appeal.

Respectfully submitted,

Takayuki WATANABE et al.

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